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EXAMINER

WATTS, JENNA A

ART UNIT

PAPER NUMBER

1794

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Continuation of 11.

1. The request for reconsideration does NOT place the application in condition for allowance because: the amended claims raise the issue of new matter and raise new issues that would require further consideration or search. In the proposed amendment of Claim 1, the phrase "30 w/w % or more of α -maltosyl α , α -trehalose and other saccharide derivatives" may not be supported by the originally filed disclosure, because firstly, the originally filed disclosure does not appear to have support for "30 w/w % or more of α -maltosyl α , α -trehalose" but does appear to have support for "**about** 30 w/w % or more of α -maltosyl α , α -trehalose", as seen on Pages 12 and 13 of the originally filed disclosure. Secondly, there does not appear to be support for the entire phrase of "30 w/w % or more of α -maltosyl α , α -trehalose and other saccharide derivatives", in light of the originally filed disclosure on Page 12, lines 1-5 and on Page 13, lines 26-28, where it is disclosed that the saccharide composition comprises the saccharide derivative of α , α -trehalose, namely, α -maltosyl α , α -trehalose, **and other saccharides**, not saccharide derivatives. Therefore, for the reasons stated above, there appears to be an issue of new matter raised in the proposed amendment.

2. Furthermore, regarding the phrase "30 w/w % or more of α -maltosyl α , α -trehalose and other saccharide derivatives", it is unclear whether the 30 w/w % refers to only the α -maltosyl α , α -trehalose or to the combination of the α -maltosyl α , α -

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trehalose and saccharide derivatives. Therefore, this phrase requires further clarity or consideration.

3. Therefore, in light of the above facts, the proposed amendment will not be entered and the pending claims, Claims 1, 3 and 8-12 stand rejected.

/JENNA A. WATTS/

Examiner, Art Unit 1794

November 18, 2009